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Attorneys for Defendant
CIT BANK, N.A.

**UNITED STATES DISTRICT COURT
STATE OF NEVADA**

STEVEN G. PINCHUK,

Plaintiff,

vs.

CIT BANK, N.A.; and EQUIFAX, INC.,

Defendants.

Case No: 2:16-cv-02986-RFB-GWF

Hon. Richard F. Boulware

**MOTION TO CONTINUE
HEARING ON DEFENDANT CIT
BANK, N.A.'S MOTION FOR
SUMMARY JUDGMENT
(First Request)**

Date: August 27, 2018

Time: 3:30 p.m.

Location: Courtroom 7C

Defendant CIT Bank, N.A. ("CIT"), through its attorney Brian C. Vanderhoof, Esq. with the law firm of LeClairRyan, hereby requests, under Local Rule IA 6-1 and Judge Boulware Court Rules, that the Court continue the hearing on Defendant's motion for summary judgment, currently scheduled for August 27,

1 2018 until the next available hearing date or on a date that is convenient for the
2 Court. This is the first request for a continuance.

3 Good cause exists for the relief requested herein, as set forth in the attached
4 declaration and this request is not made for purpose of delay or any other improper
5 purpose. Among other reasons, good cause exists because the attorney that will
6 argue the pending motion, Jennifer Gray, has encountered a scheduling conflict. As
7 set forth in her attached declaration, Ms. Gray recently had a trial continued that is
8 likely to be ongoing on the scheduled hearing date. In addition, she has been
9 unable to file a motion to appear *pro hac vice* due to a delay in receiving certificates
10 of good standing from all of the states in which she is admitted to practice.

11 Plaintiff's counsel has refused to consent to continue the hearing because his
12 client, who resides in Florida, has purportedly made plans to attend the hearing.
13 Despite the lack of any apparent connection between this case and the state of
14 Nevada, Plaintiff selected this forum and cannot now be heard to complain that
15 normal requests for continuances should be denied because it is inconvenient for
16 him to travel to the forum he selected. Mr. Pinchuk could have filed this action in
17 Florida but he chose not to do so. Having selected this forum, Mr. Pinchuk cannot
18 now invoke inconvenience as a basis for opposing this Motion.

19 CIT respectfully requests that the Court grant the present motion and enter an
20 order continuing the hearing until the next available hearing date or a date
21 otherwise convenient for this Court.

22 DATED: August 22, 2018 LECLAIRRYAN, LLP

23 By: /s/ Brian C. Vanderhoof
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**UNITED STATES DISTRICT COURT
STATE OF NEVADA**

STEVEN G. PINCHUK,
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CIT BANK, N.A.; and EQUIFAX, INC.,
Defendants.

Case No: 2:16-cv-02986-RFB-GWF

Hon. Richard F. Boulware

**DECLARATION OF JENNIFER L.
GRAY IN SUPPORT OF MOTION
TO CONTINUE HEARING ON
DEFENDANT CIT BANK, N.A.'S
MOTION FOR SUMMARY
JUDGMENT**

*Date: August 27, 2018
Time: 3:30 p.m.
Location: Courtroom 7C*

I, Jennifer L. Gray, hereby declare:

1. I make this declaration in support of Defendant CIT Bank, N.A.'s ("CIT") Motion to Continue Hearing on Motion for Summary Judgment (the "Motion").

1 2. Good cause exists for the requested relief and this request is not made
2 for purpose of delay or any other improper purpose. This is the first request for a
3 continuance.

4 3. I have prepared and planned to argue the Motion. A scheduling
5 conflict has arisen in that a state court trial in Los Angeles originally scheduled for
6 August 1, 2018 has been continued several times due to various delay tactics of the
7 defendant in that case. The trial is now expected to occur next week and would
8 conflict with the scheduled hearing date. I am trying that case by myself and thus,
9 am not able to arrange for another attorney to handle that trial.

10 4. In addition, I have been unable to file a motion to appear pro hac vice in
11 this action. I am admitted to practice in three states and not yet received requested
12 certificates in all states but expect to receive them shortly.

13 5. Earlier this week, my former colleague Jacob Bundick, who had
14 handled this case until February 2018 and is handling a similar case brought by Mr.
15 Bundick has remained involved, particularly as to any potential settlement
16 discussion. Earlier this week, Mr. Bundick indicated that we would be meeting
17 personally with Mr. Vernon regarding both cases. I asked him to communicate my
18 request to continue the hearing date. Mr. Bundick also communicated the request to
19 Mr. Vernon's office, and informed me directly that Plaintiff was unwilling to
20 stipulate to a continuance because his client had planned to attend the hearing.

21 6. As noted in the accompanying motion, Plaintiff selected this venue.
22 CIT is subject to federal court jurisdiction in Florida, where Plaintiff apparently
23 resides, and Plaintiff could have filed suit there.
24

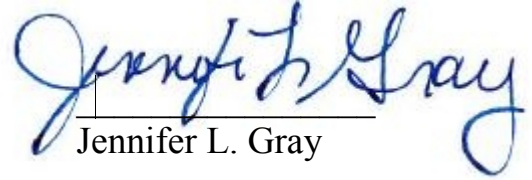
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1 I declare under penalty of perjury pursuant to the laws of the State of
2 California and the United States of America that the foregoing is true and correct.

3 Executed on this 22nd day of August, 2018 at Los Angeles, California.

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6 Jennifer L. Gray

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8 **UNITED STATES DISTRICT COURT**
9 **STATE OF NEVADA**

10 STEVEN G. PINCHUK,

11 Plaintiff,

12 vs.

13 CIT BANK, N.A.; and EQUIFAX, INC.,

14 Defendants.
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18
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Case No: 2:16-cv-02986-RFB-GWF

Hon. Richard F. Boulware

**[PROPOSED] ORDER RE:
MOTION TO CONTINUE
HEARING ON DEFENDANT CIT
BANK, N.A.'S MOTION FOR
SUMMARY JUDGMENT
(First Request)**

Date: August 27, 2018

Time: 3:30 p.m.

Location: Courtroom 7C

20 **PROPOSED ORDER**

21 IT IS HEREBY ORDERED THAT the hearing on Defendant CIT Bank,
22 N.A.'s Motion for Summary Judgment be continued from August 27, 2018 to
23 September 20, 2018 at 2:00 PM.

24 IT IS SO ORDERED:



26 RICHARD F. BOULWARE, II

27 UNITED STATES DISTRICT JUDGE

28 DATED: August 22, 2018.